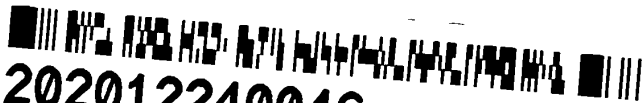


Return Address:  
Karmella Exelby  
23644 Holyoke St  
Mount Vernon, WA 98274

  
**202012240046**  
12/24/2020 08:58 AM Pages: 1 of 5 Fees: \$107.50  
Skagit County Auditor

Document Title:

Order Avoiding Judgment Lien of Capital One Bank (USA) N.A. and Order of Discharge

Reference Number : 201305130075

Grantor(s):

additional grantor names on page \_\_\_\_.

1. Karmella Exelby

2.

Grantee(s):

additional grantee names on page \_\_\_\_.

1. Capital One Bank (USA) N.A.

2.

Abbreviated legal description:

full legal on page(s) \_\_\_\_.

(0.5000 ac) MCMURRAY, BLOCK 17, LOT 1 - 6, ACRES 0.50

Assessor Parcel / Tax ID Number:

additional tax parcel number(s) on page \_\_\_\_.

P95670

Entered on Docket December 4, 2020

Below is the Order of the Court.



  
Marc Barreca  
U.S. Bankruptcy Judge

(Dated as of Entered on Docket date above)

THIS IS TO CERTIFY that the foregoing is a true and correct copy of a document filed in our office.

Dated: 12/15/2020



/s/ Mari Heuerman  
Deputy Clerk of the U.S. Bankruptcy Court WAWB

UNITED STATES BANKRUPTCY COURT  
WESTERN DISTRICT OF WASHINGTON

In re:

ROBERT E. EXELBY AND KARMELLA L. EXELBY,

Debtors.

Case No.: 13-14335

**ORDER GRANTING MOTION TO AVOID JUDGMENT LIEN OF CAPITAL ONE BANK (USA), N.A.**

THIS MATTER having come before the Court on the Debtor's Motion to Avoid Judgment Lien of Capital One Bank (USA), N.A. Pursuant to 11 U.S.C. §522(f), the Court having reviewed the Motion and finding that good cause exists to enter this Order, now, therefore,

IT IS HEREBY ORDERED:

1. That said judicial lien held by Capital One Bank (USA), N.A., recorded on May 13, 2013 in Skagit County, Record No. 201305130075, is hereby avoided to the full extent of said judicial lien as to the real property located at 23644 Holyoke St, Mount Vernon, WA 98274, and that said judgment shall have no further force or effect as to said real property; and
2. Furthermore, said judicial liens shall be deemed cancelled-of-record in their

NOTICE OF HEARING AND MOTION  
TO AVOID JUDGMENT LIEN OF  
CAPITAL ONE BANK (USA), N.A. - 1

The Northwest  
Consumer Law Center

936 N. 34th St. Ste. 100  
Seattle, WA 98103  
Tele: 206-805-0989  
Fax: 206-805-0989

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entirety, and by virtue of such avoidance; and

3. Said judicial lien shall be treated as an unsecured creditor in the above referenced bankruptcy case; and

4. That the Debtors may record in the Skagit County Recorder's office a copy of this order avoiding said judicial liens, together with a copy of the discharge order issued in this bankruptcy case, upon being presented with certified copies thereof.

///END OF ORDER///

Presented by:

/s/ Amanda N. Martin

Amanda N. Martin, WSBA No. 49581  
Attorney for Debtors

B18 (Official Form 18) (12/07)

**United States Bankruptcy Court**  
Western District of Washington  
700 Stewart St, Room 6301  
Seattle, WA 98101  
Case No. 13-14335-KAO  
Chapter 7

In re Debtor(s) (name(s) used by the debtor(s) in the last 8 years, including married, maiden, trade, and address):

Robert E Exelby

23644 Holyoke St

Mount Vernon, WA 98274

Karmella L Exelby

23644 Holyoke St

Mount Vernon, WA 98274

Social Security/Individual Taxpayer ID No.:

xxx-xx-0322

xxx-xx-4454

Employer Tax ID/Other nos.:

**DISCHARGE OF DEBTOR**

The Debtor(s) filed a Chapter 7 case on May 9, 2013, It appearing that the Debtor is entitled to a discharge,

**IT IS ORDERED:**

The Debtor is granted a discharge under 11 U.S.C. § 727.

BY THE COURT

Dated: August 30, 2013Karen A. Overstreet

United States Bankruptcy Judge

**SEE THE BACK OF THIS ORDER FOR IMPORTANT INFORMATION.**

THIS IS TO CERTIFY that the foregoing is a true and correct copy of a document filed in our office.

Dated: 12/15/2020



/s/ Mari Heuerman

Deputy Clerk of the U.S. Bankruptcy Court WAWB

B18 (Official Form 18) (12/07)

**EXPLANATION OF BANKRUPTCY DISCHARGE  
IN A CHAPTER 7 CASE**

This court order grants a discharge to the person named as the debtor. It is not a dismissal of the case and it does not determine how much money, if any, the trustee will pay to creditors.

**Collection of Discharged Debts Prohibited**

The discharge prohibits any attempt to collect from the debtor a debt that has been discharged. For example, a creditor is not permitted to contact a debtor by mail, phone, or otherwise, to file or continue a lawsuit, to attach wages or other property, or to take any other action to collect a discharged debt from the debtor. *[In a case involving community property:* There are also special rules that protect certain community property owned by the debtor's spouse, even if that spouse did not file a bankruptcy case.] A creditor who violates this order can be required to pay damages and attorney's fees to the debtor.

However, a creditor may have the right to enforce a valid lien, such as a mortgage or security interest, against the debtor's property after the bankruptcy, if that lien was not avoided or eliminated in the bankruptcy case. Also, a debtor may voluntarily pay any debt that has been discharged.

**Debts That are Discharged**

The chapter 7 discharge order eliminates a debtor's legal obligation to pay a debt that is discharged. Most, but not all, types of debts are discharged if the debt existed on the date the bankruptcy case was filed. (If this case was begun under a different chapter of the Bankruptcy Code and converted to chapter 7, the discharge applies to debts owed when the bankruptcy case was converted.)

**Debts That are Not Discharged**

Some of the common types of debts which are not discharged in a chapter 7 bankruptcy case are:

- a. Debts for most taxes;
- b. Debts incurred to pay nondischargeable taxes;
- c. Debts that are domestic support obligations;
- d. Debts for most student loans;
- e. Debts for most fines, penalties, forfeitures, or criminal restitution obligations;
- f. Debts for personal injuries or death caused by the debtor's operation of a motor vehicle, vessel, or aircraft while intoxicated;
- g. Some debts which were not properly listed by the debtor;
- h. Debts that the bankruptcy court specifically has decided or will decide in this bankruptcy case are not discharged;
- i. Debts for which the debtor has given up the discharge protections by signing a reaffirmation agreement in compliance with the Bankruptcy Code requirements for reaffirmation of debts; and
- j. Debts owed to certain pension, profit sharing, stock bonus, other retirement plans, or to the Thrift Savings Plan for federal employees for certain types of loans from these plans.

**This information is only a general summary of the bankruptcy discharge. There are exceptions to these general rules. Because the law is complicated, you may want to consult an attorney to determine the exact effect of the discharge in this case.**